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**MEMO ENDORSED**

April 22, 2009

Hon. Denise Cote  
U. S. District Judge  
United States District Court  
500 Pearl Street, Room 1040  
New York, NY 10007

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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Re: Andrea Pefanis v. Westway Diner Inc.  
Case No. 08CV002 (DCL)(DFE)

Dear Judge Cote:

This office represents the defendant, Westway Diner Inc., ("Westway"), in the above referenced action for alleged unpaid overtime and related wage claims. By notice of motion filed on March 13, 2009, plaintiffs have moved to certify this as a class action pursuant to Fed. R. CIV. P. 23. Defendant respectfully request that your Honor extend the time for defendant to respond to the motion from April 24, 2009 to May 11, 2009, and to permit plaintiffs to reply by May 25, 2009.

This is defendant's second request. Previously, your Honor extended defendant's time to respond from April 3, 2009 to April 24, 2009. Maimon Kirschenbaum, the attorney for the plaintiff, has consented to this request. The parties do not anticipate that this request will affect any other scheduling deadlines.

Thank you for your consideration.

*Gran Feal*

*Denise Cote*

*April 23, 2009*

*Very truly yours,*

*Arthur H. Forman*

AHF/ms  
cc: Maimon Kirschenbaum, Esq.